

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** October 6, 2015  
**RE:** 16-0375CA; 311 & 329 North Avenue

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: WRM                      Ward: 4N

Owner/Applicant: BC Community Housing, LLC / Eric Farrell

**Request:** Tree maintenance plan for 311 & 329 North Avenue

### **Applicable Regulations:**

Article 5 (Citywide General Regulations)

### **Background Information:**

The applicant is seeking approval of a Tree Maintenance Plan per Sec. 5.5.4, *Tree Removal*, of the Comprehensive Development Ordinance. This section allows property owners to address tree removal and maintenance on their property in 5-year increments without the need for separate zoning permits for each individual tree removal project.

Previous zoning actions for this property are noted below.

- 9/1/15, Approval for addition of curb cut and drive to 351 North Ave
- 7/12/12, Approval to install wire fence
- 12/16/11, Approval to install 5 replacement windows
- 11/3/10, Approval to change use from institutional office & group home to college

**Recommendation:** Initial review and continuation of review pending revisions to proposed tree maintenance plan.

## **I. Findings**

### ***Sec. 5.5.4, Tree Removal:***

***(a) Review criteria for zoning permit requests for tree removal***

See (b) below.

### ***(b) Tree Maintenance Plans***

*1. A Tree Maintenance Plan prepared by a certified arborist shall be submitted as a Level I Certificate of Appropriateness... This plan shall include general and specific criteria for removing trees based on the criteria as per Sec. 5.5.4 (a).*

The proposed Tree Maintenance Plan has been prepared by a team consisting of consulting foresters and a certified arborist as required. The plan focuses on the area of property that may ultimately be conveyed to the city as some sort of public land. Within this area, the plan delineates several distinct forest community types and notes specific management objectives for each. Several coppers within “area 3” are to be removed, consistent with the surrounding open lawn. In the rest of the woodland communities, the emphasis is on “cleaning up” the forest floor, removing dead and dangerous trees, and limbing up remaining trees.

The proposed tree maintenance plan touches on each of the criteria of Sec. 5.5.4 (a) as required. Dead, diseased, and/or dangerous trees will be removed. Trees generally will be thinned and pruned to create an open understory; however, coarse and fine woody debris will be retained. Invasive species will be targeted for removal, and certain species most well suited to the onsite sandy soils will be targeted for preservation. Mast-producing species, likewise, will generally be retained. The westernmost portion of the property is affected by the Riparian & Littoral Conservation Zone running 250’ inland from the 100’ elevation along Lake Champlain. The proposed tree maintenance plan acknowledges this overlay zone, and proposed tree clearing will be within the permitted 25% limit articulated under Sec. 4.5.4 (c).

Dan Cahill, the city’s Land Steward at the Department of Parks & Recreation has submitted written comment relative to the proposed tree maintenance plan and has expressed concern that the proposed “cleaning up” is inconsistent with wildlife habitat preservation. This criterion does not specify what the forestry goals should be within a given tree maintenance plan; however, it is reasonable to consider comments from the entity that will likely end up managing these lands (Parks & Recreation). The city’s current Open Space Protection Plan classifies all of the undeveloped land on this property as “large mowed lawn” or “forestland.” The forestland is classified as “hemlock/hemlock white pine” and differs from the individual forest communities identified in the proposed tree maintenance plan. The tree maintenance plan is based on an onsite assessment and is more accurate. The Open Space Protection Plan identifies no “under represented” (i.e. disproportionately rare) natural communities on the property. The State of Vermont has identified a small remnant of a very rare natural community type in the northwest corner of the property (Natural Resources Information: Site Conditions & Flora, Eric Sorenson, 2001). This area is within “map area 4” of the proposed tree maintenance plan. Management objectives for this area are similar to other areas within the property (removal of invasive, dead, dying, or dangerous trees and pruning remaining trees). In light of the particular significance of this area, the proposed tree maintenance plan should specifically address how the proposed tree work will protect or enhance this natural community.

Warren Spinner, the City Arborist with the Department of Parks & Recreation, has also commented on the proposed tree management plan. He notes that the management plan is a “great start” for managing the property; however, he also advises against removing all dead trees where they pose no threat to public safety. He also advises against clearing out the entire understory in consideration of wildlife habitat. Lastly, he comments that he does not see a need to limb up or reduce the trees’ canopy to reduce wind/sail effects as proposed in the management plan.

The Department of Parks & Recreation requests that a natural resource inventory be done this fall and into the spring. The Department is willing and able to conduct the inventory. The inventory would enable a more informed management protocol for the forestland. Although the management plan as proposed calls for retention of coarse and fine woody debris and for the retention of mast-

producing species, revisions to the plan may well be necessary to address the findings of a comprehensive natural resource inventory.

Obviously, the tree maintenance plan as proposed does not take into account the forgoing comments and concerns. They have been offered in response to the proposed plan. In order to address the comments and concerns of the Department of Parks & Recreation, it would be prudent to revise the proposed tree maintenance plan to address those comments and concerns prior to undertaking any tree clearing activities. Revision of the proposed tree maintenance plan and follow-up review by the Development Review Board is recommended. **(No finding)**

*2. The Tree Maintenance Plan if approved...*

This Tree Maintenance Plan, when approved, will be valid for 5 years. **(Affirmative finding as conditioned)**

*3. In order to continue tree removal...*

For ongoing tree removal on the subject lands beyond the initial approval, the Tree Maintenance Plan must be updated or re-written and approved by the DRB at 5 year intervals. **(Affirmative finding as conditioned)**

## **II. Conditions of Approval**

Revisions to the plan prior to approval are recommended. In the event that the Development Review Board determines that approval is warranted, the following conditions are recommended.

1. This tree maintenance plan is valid for a period of 5-years from the date of approval.
2. The applicant is advised not to commence tree clearing activities above the thresholds established in Sec. 3.1.2, *Zoning Permit Required*, until completion of a natural resource inventory or summer 2016, whichever is earlier.